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OFFICE OF PETITIONS

In re Application of :
Lin et al. : DECISION ON PETITION
Application No. 09/839,078 :
Filed: 20 April, 2001 :
Atty Docket No. 29876/37280 :

This is a decision on the petition filed on 5 July, 2005, styled under 37 CFR 1.48(a) and 1.47(a) which is being treated as (a) a petition under 37 CFR 1.48(a)(1) requesting that a person be added as inventor and (b) a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.63 and 1.67, which require that a named inventor execute a supplemental declaration.¹

The petition is **GRANTED**.

On 20 April, 2001, the above-identified application was filed. The original application papers included, a declaration under 37 CFR 1.63 was filed naming Ping Sheng Zhang and Hai Ping Cao as joint inventors.

On 5 July, 2005, the present petition was filed, whereby petitioners seek to add Hai Lin and Xufeng Xu as joint inventors. Petitioners further state that joint inventors Zhang and Cao have failed to sign the declaration naming the actual inventors as required by 37 CFR 1.48(a)(3).

Petition Under 37 CFR 1.48(a) and 1.183

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

¹ Petitioners should note that where, as here, all of the named inventors executed an oath or declaration, 37 CFR 1.47 is not applicable. Rather, a waiver under 37 CFR 1.183 of 1.63 and 1.67 is required when a named inventor refuses or cannot be located to execute a supplemental declaration.

(1) a petition including a statement from each person being added and each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;

(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;

(3) the fee set forth in 37 CFR 1.17(I), and

(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

As a result of papers filed on 5 July, 2005, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and, accordingly, this application has been corrected in compliance with 37 CFR 1.48(a)(2).

In view of the efforts recounted in the petition to obtain the signature of Ping Sheng Zhang and Hai Ping Cao on the supplemental declaration as required by 37 CFR 1.63, it is agreed that justice would be served by waiving the requirement for his signature on the supplemental declaration required by 37 CFR 1.63 and 1.67.

The inventorship of this application has been changed by the addition of: Hai Lin, Hangzhou, China, and Xufeng Xu, Hangzhou, China.

Office PALM records have been corrected to reflect the correct inventorship of the application. A corrected Filing Receipt is enclosed for petitioners' records.

The application is being referred to Technology Center Art Unit 3635 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Corrected Filing Receipt